

1 Q. They would come to the office. Did the office
2 advertise the reduced-fee birth certificates in any
3 other way?

4 A. Not that I'm aware of.

5 Q. So it was just in the advertisements about the
6 mobile EIC units and on the Web site?

7 A. That's correct.

8 Q. If a person comes into the office and says, "I
9 need a certified copy of my birth certificate," does the
10 clerk know to ask whether they are looking for one of
11 these to get an EIC?

12 A. No, they're not going to ask.

13 Q. So typically, if I walked into the office and
14 said, "I need a certified copy of my birth certificate,"
15 the person sitting at the desk would say, "That's going
16 to be \$22"; is that correct?

17 A. \$23, that's correct.

18 Q. \$23. If a person shows up at the polls and
19 the information on their ID doesn't exactly match the
20 information on the poll book, can they show other
21 documents to show the election clerk that they are who
22 they say they are?

23 A. They have to have a -- one of their approved
24 forms of photo ID.

25 Q. Could they, for instance, show a credit card

1 to show that their name has changed?

2 A. No.

3 Q. Okay. So it's just based on the information
4 on their ID?

5 A. Right.

6 Q. What about if a person comes back to cure
7 their ballot, could they show additional documentation
8 then?

9 A. There are forms of additional documentation
10 they can show to the voter registrar.

11 Q. Okay. And what are those additional documents
12 they can show?

13 A. I'm not familiar with that.

14 Q. And who is the person who would process the
15 cure ballots?

16 A. The voter registrar.

17 Q. And who is that?

18 A. Right now, that's Terry.

19 Q. Okay. Are you aware that S.B. 14 provides an
20 exemption for people who have a religious exemption to
21 being photographed?

22 A. I am aware of that.

23 Q. Do you know -- I know that you said it's the
24 voter registrar that handles the cure process, but do
25 you know if anybody came in and tried to cure because of

1 a religious exemption?

2 A. No, I'm not aware of that.

3 Q. Okay. Are you aware that S.B. 14 provides a
4 disability exemption for voters with certain types of
5 disabilities?

6 A. I am aware of that.

7 Q. And do you know whether anybody in the county
8 has applied for a disability exemption?

9 A. I'm not aware of that.

10 Q. Do you know if the county has done any
11 outreach about the existence of the disability
12 exemption?

13 A. We talked to the people at Rise, which is a
14 disability group. I'm not aware of any of them that
15 have applied for any disability exemption.

16 Q. And when did you tell Rise about the
17 disability exemption?

18 A. We've been out to talk to them several times.
19 They're always calling us. They are very involved in
20 elections and voting, but I'm not aware that they have
21 applied for anything.

22 MS. SIMSON: Okay. Can we go off the
23 record?

24 (Recess from 12:16 p.m. to 12:23 p.m.)

25 Q. (By Ms. Simson) Just to go back over a few

1 things that we talked about previously, we talked about
2 the substantially-similar name provision.

3 Based on your experience as county clerk
4 and administering elections, do you think that the
5 substantially-similar name provision is one that all
6 poll workers will interpret the same way?

7 A. No.

8 Q. And why is that?

9 A. Well, because, I mean, you have 400 people
10 thinking 400 different ways. There is no way they are
11 going to think the same way.

12 Q. And there is a regulation from the Secretary
13 of State's office that offers some guidance on
14 substantially-similar names; is that correct?

15 A. That's correct.

16 Q. And do you feel that that provides enough
17 guidance to poll workers?

18 A. I mean, it provides the basic, but people just
19 don't always think the same.

20 Q. So what might be substantially similar to one
21 poll worker might not be substantially similar to
22 another poll worker?

23 A. Right.

24 Q. Before, you also mentioned that the
25 Commissioners Court allocated \$20,000 to do some voter

1 outreach and education, and that was for fiscal year

2 2013 to 2014; is that correct?

3 A. That's correct.

4 Q. Did you request more than \$20,000, or did you
5 request \$20,000?

6 A. That's what I requested at that time.

7 Q. Okay. So they approved all of the money that
8 you requested?

9 A. Yes.

10 Q. And how did you come up with that \$20,000
11 number?

12 A. Well, I just requested 20,000. I didn't
13 really come up with a great number, but knowing the
14 budget and how it is, I was lucky to get \$20,000, put it
15 that way.

16 Q. So if you could have had more money than
17 \$20,000, you would --

18 A. It would be great to have more than \$20,000.

19 Q. And how much of that \$20,000 have you already
20 used?

21 A. Oh, I've used all of it, probably, except
22 maybe a couple thousand dollars left in it.

23 Q. Okay. And is that something -- are you going
24 to put in another budget request for money from the
25 Commissioners Court to do voter outreach and education?

1 A. I've requested additional monies this year for
2 advertisement and for -- for advertisement for this
3 year.

4 I have my budget hearing Monday, and I
5 have requested for additional monies, but I won't know
6 if it's granted until sometime in September, probably.

7 Q. And how much have you requested?

8 A. I think I requested 15,000, I think.

9 Q. And is that for voter education, specifically
10 about photo ID?

11 A. Well, no, it's really just for advertisement,
12 period, just for the election department.

13 Q. When you requested \$20,000 from the
14 Commissioners Court before, was that to focus on voter
15 ID?

16 A. Right, that was to focus just on photo ID.

17 Q. Okay. Do you know roughly how many people
18 there are in Jefferson County?

19 A. About 252,000.

20 Q. And do you know about how many registered
21 voters there are?

22 A. About -- I don't know, 140-some-thousand, I
23 think.

24 MR. KEISTER: I'm sorry, I couldn't hear
25 you.

1 A. About 140,000-some, I think.

2 Q. (By Ms. Simson) Registered voters?

3 A. Yeah. I'm not sure.

4 Q. And just for the record, what is your age-ish
5 and race?

6 A. My age, 62. African-American.

7 Q. Off the record, Counsel had a conversation
8 about how to handle the documents that you've brought
9 here today.

10 First question: Have you produced all of
11 the responsive documents here today?

12 A. Have I produced them all?

13 Q. Yes. Have you brought with you all of the
14 documents that were responsive to the deposition notice?

15 A. Yeah, I have. But obviously, I'm missing some
16 because I don't have that similar name affidavit, so
17 there are some things I probably need to add to it.

18 Q. Okay.

19 A. And I can.

20 Q. And are all of the training materials in here?

21 A. Yeah, all the training materials are in there.

22 Q. And I think you mentioned there may have also
23 been a binder that people get on election day that may
24 not have been included.

25 A. Yeah, there is an election-day binder. If you

1 want that too, I can add that, too.

2 Q. That would be great. We will include this in
3 an e-mail to your attorney so she can follow up.

4 A. Okay.

5 Q. So we're going to attach the documents as an
6 exhibit to the deposition, and then all the counsel will
7 receive a copy. Other than that, I have no further
8 questions. Thank you so much for taking the time. I
9 know that you're busy.

10 MS. SIMSON: And with that, I will pass
11 the witness. Bruce, do you have any questions?

12 MR. GEAR: I do have a few questions,
13 yes. Would it be -- is it the time for me to ask those
14 questions?

15 MS. SIMSON: Yes, you can go ahead.

16 EXAMINATION

17 BY MR. GEAR:

18 Q. Let me start by asking you: Do you have any
19 universities in Jefferson County?

20 A. Yes, we do. We have Lamar University.

21 Q. Lamar University. And are you aware of any
22 situations during any of the elections since the
23 implementation of S.B. 14 where a student has attempted
24 to vote with a student ID?

25 A. I'm thinking. I'm trying to think. Not here,

1 not here at this early voting location. I can't tell
2 you about what happened on campus, but I'm not aware of
3 it.

4 Q. Have you had any outreach efforts to the
5 university to educate students at Lamar University?

6 A. Yes, we have. We've done a voter outreach at
7 Lamar University. Dr. Bruce Drury is one of our
8 advocates for the university. He used to teach there.
9 And we've done a lot of outreach at Lamar University.

10 In fact, Lamar University is one of
11 our -- will be one of our early voting locations. We
12 will have early voting there three days out of the early
13 voting period.

14 And what we're trying to do for the
15 students is to be able to catch them early, early enough
16 that if they don't have the proper photo ID, if we get
17 them during the early voting period, they have options.

18 They can either come to the courthouse
19 during the early voting period, which would allow them
20 to do a limited ballot with the proper photo ID, or they
21 can do a mail ballot from their registered county
22 because they would still have time to do that.

23 But I know they do have several campaigns
24 going on right now to educate them and to make sure that
25 they do have the proper photo ID.

1 When the mobile DPS unit came here, that
2 was one of the things that they tried to target on, and
3 that's why it was over at the Alice Keith Center, which
4 is right by Lamar University, was to try to get the
5 students the proper ID.

6 Because not everybody wants to change
7 their driver's license from the state where they live,
8 and, you know, they could have gotten the EIC cards
9 instead of changing their driver's license.

10 Q. Are you aware of any situation during any of
11 the elections covered by S.B. 14 where a student
12 presented an out-of-state driver's license?

13 A. I'm not aware of it.

14 Q. We talked about two -- or you testified to two
15 DPS locations. And I believe you said Highland, and
16 what was the other location?

17 A. Port Arthur library.

18 Q. That's Port Arthur library?

19 A. That was two mobile.

20 Q. As far as those locations are concerned, is
21 there public access to those locations from everywhere
22 in the county?

23 A. Yes.

24 Q. So if I lived in a rural area in Jefferson
25 County, do the rural areas have public transportation?

1 Let me strike that. Let me ask this a different way.

2 Can you describe for me public
3 transportation and the availability of public
4 transportation in Jefferson County?

5 A. Oh, boy. I never been on the bus. I'm
6 serious. I mean, we have bus service. I can't tell you
7 anything about the bus rides. I'm serious, I've never
8 been on a bus.

9 But Alice Keith is located right off of
10 Martin Luther King, which is right by Lamar University.
11 I know buses run that way. I can't tell you anything
12 about the bus route.

13 The Port Arthur library is right off of
14 69 and 9th Street, which is two of the main roads in the
15 Port Arthur area. But as far as getting there on public
16 transportation, I would have no clue, sir.

17 Q. Do you know whether there is the availability
18 of public transportation from every area to those
19 locations in the county?

20 MR. KEISTER: Object to form.

21 A. I would think not.

22 Q. (By Mr. Gear) And when you say you would
23 think not, what areas come to mind?

24 A. Well, I can't think of any area where there is
25 transportation that you can get to from everywhere in

1 the county. I can't think of an area where you can get
2 from the rural areas to everywhere. I mean, inside the
3 county. I wouldn't know.

4 Q. And I'm specifically talking about to the DPS
5 offices, would that be the same testimony?

6 A. Well, where the DPS offices -- where those two
7 locations that I told you were just the mobile units for
8 the DPS offices, when the Secretary of State came down.
9 That's not where the DPS offices are located.

10 Q. So just so I'm clear, and I'm sorry, I'm not
11 actually in the room, I'm doing this by phone. Where
12 are the DPS offices located in Jefferson County?

13 A. Oh, the DPS office, you cannot get there.
14 They're not accessible, I can tell you that right now.
15 And that's part of the problem. That has been part of
16 the problem.

17 And that's been part of the complaint is
18 because I know the one in Beaumont is far out of the
19 way, and there are no buses that run out there. Now,
20 the one --

21 Q. You say that's been part of the complaint?

22 A. That's been part of the complaint that I've
23 heard from people about the DPS office being one of the
24 only places that you can go and pick up your EIC card,
25 or even going to get any type of identification, for

1 anyone, whether it's EIC or just an identification,
2 period. Because it's not that accessible.

3 And I don't know where the one in Port
4 Arthur is at all. I know there's one out there, but I
5 don't know where it is. But, no, it's not accessible.

6 Q. Okay. Let me ask you: Are you aware of any
7 examples in Jefferson County of a registered voter who
8 has had difficulty obtaining an EIC?

9 A. I'm not aware.

10 Q. Have you communicated at all with DPS
11 regarding that issue?

12 A. I have not communicated with DPS.

13 Q. Has DPS shared any information with you
14 regarding any registered voter that may have had
15 difficulty obtaining an EIC?

16 A. I have not communicated with DPS at all. When
17 the voter registrar was here, prior to his resignation,
18 he was in contact with the DPS office because they were
19 trying to work out some arrangements to make it
20 accessible.

21 But I was not part of that -- I was not a
22 part of those conversations, so I'm not sure what
23 arrangements were made.

24 Q. And as you sit here today, are you -- is it
25 your testimony that you just don't know if there were

1 any arrangements made to make DPS more accessible to
2 county residents?

3 A. That is correct.

4 Q. And if -- if there were arrangements that were
5 made, who would know that in the county at this point?
6 What county official would know that information?

7 A. No one.

8 Q. And why is that?

9 A. Because he has left the county.

10 Q. And I believe the person that has filled that
11 position is an interim person with the first name Terry?

12 A. That's correct.

13 Q. And have you had any discussions with Terry
14 regarding any arrangements that have been made to make
15 DPS offices more accessible in the county?

16 A. No, I have not.

17 Q. I'm turning your attention now to the mobile
18 EIC stations. You indicated that -- I believe you
19 testified to the offer by the Secretary of State's
20 office to make EIC stations available prior to the
21 November 5th, 2013 election; is that correct?

22 A. Yes, that's correct.

23 Q. You declined that offer?

24 A. I did.

25 Q. And I wasn't clear on specifically why you